Convention on the Rights of Persons with Disabilities

Distr.: General
27 February 2014

English only

Committee on the Rights of Persons with Disabilities
Eleventh session
31 March–11 April 2014
Item 7 of the provisional agenda
Consideration of reports submitted by States parties under article 35 of the Convention

List of issues in relation to the initial report of Azerbaijan

Addendum

Replies of Azerbaijan to the list of issues*

[23 January 2014]

A. Purpose and general obligations (arts. 1-4)

1. What steps is the State party taking to amend the law and to introduce a new concept of persons with disabilities which adopts the human rights model of disability as represented in article 1 of the Convention, resulting in recognition of all persons with disabilities irrespective of the nature of disability?

1. By ratification of the Convention on the Rights of the Persons with Disabilities and its Optional Protocol in 2009, one of the main commitments Azerbaijan assumed was the adaptation of national legislation on the status of persons with disabilities to the requirements of the Convention, elimination of any existing discrimination in the Laws regarding persons with disabilities, and the adaptation of legislation to provide effective implementation mechanisms for the full integration of persons with disabilities into society.

2. For the purpose of determining the status of the rights of persons with disabilities and to provide them with more reliable social protection, a relevant draft project was prepared, in consultation with specialized civil society organizations, by reviewing the new edition of the Azerbaijan Republic Law on "Preventing Disability and Impairment of Children's Health, Rehabilitation and Social Protection of Persons with Disabilities and Disabled Children". In the new edition the definition of persons with disabilities is indicated as follows: "A person or a disabled child with physical, psychological, mental and

* The present document is being issued without formal editing.

sensory problems while he/she is faced with different challenges that limit them to participate fully and efficiently in society life".

3. The improvement in legislation and its adaptation to international standards is based on the 1st article of the National Activity Plan Projects on "Protection of the Rights of Persons with Disabilities" prepared jointly by the Ministry of Labour and civil society. A draft has been submitted to the Government and is currently under its consideration.

B. Specific rights (arts. 5 and 8-30)

Equality and prohibition of discrimination (article 5)

2. What steps are being taken to include in the Constitution and in laws the explicit prohibition of disability-based discrimination? What measures are available in laws against discrimination to protect against multiple and intersectional discrimination and ensure the effective implementation of these laws, including through effective remedies such as proportionate dissuasive sanctions for perpetrators and redress for victims?

4. The State guarantees the equality of rights and freedoms of everybody. According to article 25 of the Constitution of the Republic of Azerbaijan everyone is equal before the law and courts. According to article 35 of the Constitution, everybody has the right to independently select an activity, profession, occupation and place of work consistent with their working skills. Everybody has the right to work in secure and healthy working conditions and without any discrimination and to receive at least the minimum salary as defined by the State.

5. According to article 16 of the Labour Code of Azerbaijan it is strictly prohibited to have any discrimination in labour relations on the basis of citizenship, sex, race, religion, nationality, language, place of residence, property ownership, public and social origin, age, marital status, belief, political views, affiliation with any trade union or other social unions, official position as well as the work skills of the employee, professional skills, or reasons that are not related to work activity. According to the criteria mentioned above any direct or indirect determination of privileges and benefits as well as limitation of the rights is strictly prohibited. The granting of privileges and defining additional guarantees in labour relations in favour of women, persons with disabilities, persons under 18 and people in need of social protection shall not be considered discrimination. According to article 155 of the Labour Code, an employee has the right to work in secure and healthy working conditions and without any discrimination and to receive at least the minimum salary defined by the State for his/her work.

6. Persons with disabilities and disabled children enjoy all social-economic, political, personal rights and freedoms in accordance with article 1 of the Law on Preventing Disability and Impairment of Children's Health, Rehabilitation and Social Protection of Persons with Disabilities and Disabled Children" of the Republic of Azerbaijan, the Declaration adopted by the United Nations General Assembly, the Constitution of Azerbaijan, the above-mentioned relevant Law and other relevant legislative acts. Discrimination against them is forbidden and is prosecuted under the Law.

7. According to article 8, the rights, freedoms and legal interests of persons with disabilities and disabled children are protected by the court or through measures set out in the relevant legislation of the State. Authorities or other citizens who are found guilty of violating their rights bear financial, disciplinary, administrative or criminal responsibility.

8. According to article 17 of the Law of Azerbaijan, an employer who fails to respect the quotas for persons with disabilities, disabled persons under 18 and persons in need of special social protection set by the Executive Authority will be liable to pay a penalty fee to the State budget, equivalent to three times the average monthly salary for each work place (quotas).

9. The penalties are defined according to the Administrative Code (art. 53-2) of Azerbaijan for the employer who fails to respect the quotas for hiring persons with disabilities, disabled persons under 18 and persons who need special social protection set by the Executive authority, or the employer who does not pay the penalties to the State budget.

3. Is the Azerbaijani translation of "reasonable accommodation" in line with the definition in the Convention? Does the State party's legislation against discrimination include the denial of reasonable accommodation as a prohibited ground of discrimination against persons with disabilities?

10. According to article 28 of the Constitution of the Republic of Azerbaijan, everyone legally being on the territory of the Azerbaijan Republic may travel without restrictions, choose his/her place of residence and travel abroad. Within the individual rehabilitation programme special facilities, elevators as well as telephone communications have to be installed at the entrance of buildings for persons with disabilities, or buildings where some disabled persons are resident according article 34 of the Law of the Republic of Azerbaijan on "Preventing Disability and Disabled Children". If the accommodations for persons with disabilities or disabled children do not meet their needs and if renovation to standards meeting their needs is not possible, their place of residence will be changed with the consent and upon request of persons with disabilities or the parents or guardians of the disabled children.

Women with disabilities (article 6)

4. Please explain whether the Law on ensuring gender equality is expressly clear about women and girls with disabilities. If not, what has the State done to ensure that women and girls with disabilities are included in the provisions of this law? (para. 14 of the initial report). What steps is the State party taking towards a twin-track approach to women and girls with disabilities and to systematically collecting data disaggregated not only by gender but also by disability?

11. According to the Constitution of the Republic of Azerbaijan, men and women have equal rights and freedoms. The State guarantees equality of rights and freedoms for everybody regardless of gender. It is prohibited to limit human rights and freedoms on the basis of gender.

12. It should be noted that freedoms and rights defined by the Constitution norms were also improved as a result of the referendum on 18 March 2009 on amendments and additions to the Constitution. According to the amendments to article 25 of Constitution, benefits or privileges cannot be granted or refused because of gender or on any other basis. Equal rights are ensured for everyone in their relations with State authorities that make decisions regarding rights and responsibilities. Protection of the rights and freedom of women with disabilities was ensured with the other rights and freedoms in the National Activity Plan on "Enhancement of the Efficiency of Human Rights and Freedoms" in the Republic of Azerbaijan. In conjunction with the creation of specialized work places for organizing the employment of women with disabilities, vocational training courses were organized to train them in relevant professions

13. The Gender (men and women) Equality Law N-150-IIIQ of the Republic of Azerbaijan adopted on 10 October 2006 covers all categories of women. In this regard, there was no need to include special provisions about disabled women and girls.

5. **What steps are being taken to ensure that women and girls with disabilities are consulted on an equal basis with other women and girls? How will the State party ensure that they are enabled to participate in the legislative and political spheres? What endeavours has the State Committee on Family, Woman and Child Problems undertaken to specifically serve women with disabilities, and what sort of cases has it handled? (para. 15)**

14. There are no restrictions for disabled women or girls to participate in legislative or in other political spheres of the Republic of Azerbaijan. 126 disabled women and girls benefit from 11 child and family support centres under the State Committee for Family, Women and Children Affairs of the Republic of Azerbaijan. Ten disabled women who applied to the centres were provided with health services; the apartment living conditions of six persons were improved; seven disabled women received employment assistance and advocacy assistance was made available for 48 persons with disabilities in order to solve their social problems. Five disabled women victims of domestic violence were provided with psychological and social support and legal consultations. Disabled young girls benefitted from the Saatly Centre and participated in Paralympics games. In 2012-2013 12 disabled women were provided with wheelchairs; one person with disability was provided with a prosthetic arm; eight disabled persons participate in a weaving group and seven attend computer courses at the centres. Twenty-nine disabled women of the centre consulted psychologists.

Children with disabilities (article 7)

6. **Please explain whether children with disabilities can obtain extraordinary help in any matters beyond medical related fields? (para. 20)**

15. Persons with disabilities and disabled children have the right to free treatment in State health institutions and in sanatoriums as defined in the legislation of the Republic of Azerbaijan according to Law 14-1 on "Preventing Disability and Impairment of Children's Health, Rehabilitation and Social Protection of Persons with Disabilities and Disabled Children". Along with health institutions disabled children can also use rehabilitation centres.

16. Some rights of the disabled children were indicated in this Law.

17. According to the Law of Azerbaijan, the Ministry of Education, the Ministry of Labour and Social Protection, the Ministry of Health and its local institutions, and the State Committee for Family, Women and Children Affairs provide disabled children and persons with disabilities over the age of 18 with preschool education, extracurricular education, general, initial vocational and professional training, and secondary and higher education pursuant to a decision of the Psychological-Medical-Pedagogical and Medical-Social Commissions. Rehabilitation centres carry out relevant rehabilitation activities and organize trainings through individual educational programmes. In addition, disabled children are assisted in acquiring sociability, self-service and simple working habits to facilitate their integration into society.

18. Regular events for disabled children are being organized by the State Committee for Family, Women and Children Affairs to identify their creative abilities, to ensure their health, to provide rehabilitation and promote their integration into society. Since 2008, occupational interests of 40 young people with disabilities have been identified and the

Ministry of Labour and Social Protection, Labour and Rest House have jointly made efforts on vocational rehabilitation for young people with disabilities.

19. Education and vocational training of persons with disabilities and disabled children are carried out differently, such as individual education and education at home.

20. Home education is provided for disabled children who are unable to attend secondary schools with the consent of the disabled children and their parents. The Ministry of Education and its local institutions provide comprehensive opportunities for children with disabilities so they can receive education at home. Financial guarantees and concessions are provided for one of the parents or their substitutes according to the forms and conditions defined in the Azerbaijani Legislation for disabled children. Such kind of caretaking covers labour experience as well.

21. Disabled children receive their education in secondary and higher educational establishments and, where necessary in private educational institutions. Specialized facilities and departments have been established for disabled children in initial vocational, secondary and higher education institutes in order to create special conditions for these children. Educational trainings are also provided for the disabled children receiving treatment in stationary treatment-prophylactic or in rehabilitation centres.

22. Special installations, elevators as well as telephone communication have to be installed at the entrance of buildings and on stairs for persons with disabilities, or in the buildings occupied by families with disabled children. Families with children with disabilities have the right to the installation of home telephones free of charge.

23. Children with disabilities have the right to free education in music, fine arts and decorative arts in secondary schools or in private schools. Disabled students under 18 are paid 50 per cent more than normal students.

24. For the disabled employee under 18, annual leave is paid not less than twice the minimum amount provided in the relevant existing legislation.

25. Unpaid leave is provided for the employee under 18 according to the Azerbaijani Labour Legislation. Disabled employees under 18 benefit from reduced working hours, not to exceed 36 hours a week.

26. Persons with disabilities and disabled persons under 18 who suffered their disability in the company where they were employed enjoy rights of priority to retain their jobs during the periods of cutbacks in employees or staff.

27. Apartments for the families of children with disabilities are provided without any out of turn.

28. According to the individual rehabilitation plan and taking into account environmental and other necessary conditions for their living environment, the families of disabled children have the right to choose the type of building and the floor on which they will reside.

29. Disabled children living separately from their relatives and legal representatives are provided with assistance by the Cabinet of Ministers according to article 19.1 of the Law on Social Service. Procedures for provision of social service at home (mobile) were approved by resolution No.17 of the Cabinet of Ministers.

30. According to article 6.2 of the Law on Culture, the State guarantees cultural rights and freedoms for everyone regardless of their gender, social origin, health condition, and membership in public associations.

31. In accordance with article 14.2.4 of this Law, preferential usage of cultural resources is provided by the relevant executive authorities for poor people, persons with disabilities and disabled children under 18, and war veterans.

7. **Please specify which "children with impaired health are able to obtain additional, exceptional help. How are they identified, who is independently responsible for diagnosing their status and who makes the final decisions about their services on the basis of their needs? Are there any specific measures or actions regarding which parents do not have a right to appeal to a higher forum or a court? (para. 28)**

32. The status and assistance is determined by the Ministry of Labour and Social Protection of the Population with regard to the benefits paid for the disabled children by the State.

33. Disabled children can be served by a social worker or a social servant at home according to the rules on "Social Service at Home" (mobile) adopted on 31 January 2013 by Decision No.17 of the Cabinet of Ministers of the Republic of Azerbaijan.

34. The district (city) protection centres are required to take a decision on whether an individual or family will be provided with social assistance under the State budget within five days of receipt of the report from the social worker according to the 12th article of the Law on "Social Service" of the Republic of Azerbaijan.

35. One of the main priority directions of the State social targeted policy is improvement of the quality of medical services for mothers and children.

36. The programmes adopted by the State in the priority areas of health played a significant role in improving the quality and level of health for the general population of the country, especially for mothers and children.

37. In one of these programmes, the provision of "Electronic health cards", "Immunoprophylaxis of infectious diseases", hereditary blood diseases, diabetes and kidney failure treatment and preventive measures for the protection of the health of mothers and children have been emphasized.

38. To tackle serious social problems such as protecting mothers and children from diseases, early diagnosis and treatment is essential.

39. As a result of the activities undertaken within the framework of this programme, the process for diagnosis and follow up treatment at the early stages of diabetes, chronic kidney failure, cancer, tuberculosis were improved and, as a consequence, mortality from these diseases was reduced. Thus, compared to 2003 there has been a twofold reduction in the number of deaths from tuberculosis and diabetes and a fourfold reduction in the number of deaths from thalassemia. There are no institutions comparable to the Thalassemia Centre in Baku elsewhere in Azerbaijan or in the neighboring countries.

40. It should be noted that rules providing for obligatory premarital checkup aimed at prevention of thalassemia disease have been presented to Parliament.

41. The draft State project was developed in this sphere. The implementation of this programme will allow our country to prevent the birth of children with thalassemia.

42. Work is currently underway to include the information about the health of teenagers in the "Electronic Health Card System of Citizens".

43. In general the "Electronic Health Card System of Citizens" has operated since December 2007. A special software system was developed and card personalization centres were created in order to put this system into practice.

44. Computer equipment was installed in all maternal and child health facilities of the Republic, and information is exchanged over the Internet by the information management centres.

45. At present, Azerbaijan possesses all the necessary facilities for the effective treatment of severe congenital diseases that can cause disability in newborn children.

46. All State child stationary institutions are provided with medicine, medical supplies, and nutrition for mothers and children from the State budget. Children who do not receive breast milk are given modern adapted baby foods produced in Europe.

47. Currently, a new State project on protection of the health of mothers and children is under preparation. Under this programme modern screening methods will ensure early diagnoses of the number of serious congenital diseases, new criteria for healthy childbirth, effective monitoring of pregnancy, safe motherhood and other related issues.

48. As a result of the measures implemented in recent years the success of our State is obvious in many areas of health care, and protection of the health of mothers and children., including disabled children

49. Dispensary observations and special medical care are provided for all children up to 1 year old in specialized child centres in order to identify hidden mental deficiencies, sensory defects, and impairments in motor skills.

50. Four nurseries are functioning under the Ministry of Health of the Republic of Azerbaijan. Two of them are located in Baku, one in Ganja and one in Nakhchevan Autonomous Republic. Three of these nurseries are for healthy children; one (in Baku) is for children with neurological diseases.

51. Nurseries are for children deprived of parental care from their early childhood, for orphans, as well as for the mothers who care for their children in a difficult social situation, educate them and provide them with medical assistance.

52. Children in nurseries are checked by all professionals for helminthosis and are given a Monteux test and other preventive vaccinations. Sick children are placed in isolation or in the case of less serious diseases they are treated in children's hospitals. The Government provides the children with necessary medical, pedagogical, psychological and other assistance in the case of health problems, or mental disorders.

8. What steps will be taken in order to provide the minimum level of benefit (allowance) for the families of children with disabilities? What steps are being taken to abolish the requirement of a minimum of five years of social insurance?

53. As envisaged in the development concept, "Azerbaijan 2020, the vision to the Future" the benefit system for the families of disabled children will be upgraded until 2020, the rules for determining the needs of families for social assistance will be improved in order to reduce poverty and develop a modern social protection system, and at the same time, all social benefits will be unified and the amounts will be increased.

54. Draft rules on registering and processing of documents submitted for the determination of eligibility for social benefits and pensions were prepared and submitted to the Cabinet of Ministers of the Republic of Azerbaijan to provide for the implementation of article 1.4 of the Decree of the President of Azerbaijan No-373, dated 24 February 2006, as the beginning of those measures to initiate the implementation of the Law on "Social Benefits".

55. Benefits provided by the State for disabled children are increased annually according to the cost of minimum living standards.

Awareness-raising (article 8)

9. **What measures have been taken to provide training, education and awareness-raising of public servants and high-ranking ministry officials on their obligations to implement the Convention, its principles, and the human rights-based approach to disability? What steps has the State party taken to launch and promote awareness-raising campaigns for the general public about persons with disabilities, disabled persons organizations (DPOs), the media, employers, health and educational professionals to foster a positive image of persons with disabilities?**

56. The National Activity Plan promotes UNESCO principles such as "Education for everybody", preparing trainers in the field of legal education for persons with disabilities and different groups of the population in order to ensure more efficient protection of human rights and freedoms.

57. Public hearings are organized on the promotion of an integrated system in order that the potential contribution of children with disabilities to society is understood, and that correct positive attitudes towards them in society are formed. Such events are intended to eliminate negative stereotypes and degrading behaviour towards children with disabilities, and replace them with objective information about disabilities and their limitations. Awareness-raising events were organized jointly by civil society and government authorities and widely disseminated in mass media.

58. To this end, in 2013 the television and radio staff prepared and broadcasted some programmes.

59. Almost every month public television broadcasts special awareness programmes in order to present an image of persons with disabilities as full members of the community; Kapaz TV also broadcasts programmes on the employment problems of persons with disabilities.

60. Events aimed at promoting non-discrimination in the juridical sphere through the development of juridical sensitivity and culture, are organized under the "National Activity Plan on strengthening the effectiveness of human rights and human freedoms in the Republic of Azerbaijan" confirmed on 27 December 2007, by the order of the President of the Republic of Azerbaijan.

61. To this end, media programmes and awareness-raising events have been organized, covering the political, economic, social, cultural, civil and other spheres aimed at the integration of persons with disabilities into society. Public debates are held to address stereotypes, prejudices and practices harmful to persons with disabilities aimed at encouraging a sensitive approach to their rights, promoting their potential and the services they can offer. Events are organized to enable them to present correct information about their situation, and the positive contribution they can make to the labour market. Events have also been organized, to promote increased care and attention to the persons with disabilities and disabled children. These are supported by special programmes to assist training in sports and art, to raise awareness of the labour rights of persons with disabilities, and vocational training.

62. An article on "Awareness Educative Activities" was included in the draft law on "Social Protection of Persons with Disabilities" in order to adopt legislation on protection of persons with disabilities in conformity with the Convention on the Rights of Persons with Disabilities.

63. Round tables were organized in 2012 in child and family support centres in 11 regions of the country on the theme "Understanding Disability". 334 persons (30 from Shuvalan, 18-Goranboy, 22-Goygol, 50-Sabirabad, 40-Hajigabul, 25-Gabala, 24-Agdam,

22-Ismayilli, 50-Zardab, 25-Saatli, 28-Zagatala) attended the event. In the current year, events have been organized on employment of women with disabilities (24 persons), persons with disabilities and care for them (97 persons), and personal hygiene and women's health, as well as exhibitions of handicrafts by women and young people with disabilities. Relevant region authorities and members of the public were involved in all mentioned events.

64. Periodic exhibitions of handicrafts prepared by women with disabilities were organized periodically in order to help them with the sale of the handicrafts.

65. Mass events are organized annually every 1st of June on the International Children's Day, and on the International Day for Persons with Disabilities by the State Committee for Family, Women and Children Affairs, aimed at integrating children with disabilities into society.

Accessibility (article 9)

10. **Has the Government adopted an accessibility plan which covers all facets of accessibility including the physical environment, transportation, information and communications, including information and communications technologies and systems, to eliminate all existing barriers within a reasonable time frame in both urban and rural zones across the country? If so, does this plan have adequate budget allocation and intermediate benchmarks to allow for the monitoring of progress, and is the plan anchored in law? Do formal accessibility standards exist?**

11. **How have persons with disabilities and their representative organizations been involved in the development of accessibility laws, plans and policies – for example, the pedestrian crossings in Baku? Are there plans to extend these physical access services beyond Baku to other parts of Azerbaijan and to consult with DPOs in those regions? (para. 40)**

66. The appropriate organizational measures were carried out in order to establish a social infrastructure that will minimize the challenges facing persons with disabilities, with the participation of specialized civil society. The project "Standard Rules on Equal Opportunities for Persons with Disabilities", for setting out conditions in favour of persons with disabilities in planning building facilities, was submitted to the Cabinet of Ministers.

67. The following activities were carried out according to the Presidential Decree dated 11 August 2010, paragraph 7.3.5 (measures on the facilitating the access of disadvantaged groups to ICT) of the "2010-2012 State programme on the development of communication and information technologies in the Azerbaijan Republic (Electronic Azerbaijan):

- Information Centres in four regions of Azerbaijan were created in order to strengthen the use of information-communication services by persons with disabilities within the joint Project on ICT, with the assistance of the Heydar Aliyev Fund and the United Nations Development Programme. One Centre is located in Baku, others are in the regions located in Ganja, Yevlakh and Nakhchevan. In the Centres equipped with modern equipment there are reading rooms, training education centres, and audio libraries, voice recording studios to convert books of the library to audio format, as well as cinema rooms, fast Internet connection and special modern computer centres were organized for blind and visually impaired children. Centres were provided with the 1000 publications with Braille alphabet books, subtitled films for persons with hearing disabilities, and computer game rooms for mental development for persons with mental deficiencies. Disabled persons visiting the Centres with wheelchairs will be able to move freely.

- Work has been expanded in order to adapt web sites to "Web Content Accessibility Guidelines (WCAG) 2.0" recommendations of "W3C" organization (enlarged fonts, Braille fonts, audio, symbols and simplified language).
- The Ministry assists and provides free Internet for persons with disabilities who apply individually. Various regional workshops on ICT for the business sectors and the general public in connection with the improvement of the knowledge and use of the information society, and educational courses are organized in order to eliminate computer illiteracy. The number of Internet providers and Internet clubs are expanding in the regions.
- Mini computers were developed within the project "Dilmanj" in order to ensure equal access to information technologies for the blind and visually impaired people. Minicomputers were provided with the options like voice control, obtaining news reports online, voice reading of mail texts, as well as receiving and answering voice phone calls. One hundred computers were presented to blind and visually impaired people in November of 2012 in Yevlakh city.

68. Measures for improving access opportunities to ICT for persons with disabilities and disabled children under 18 are set out in paragraph 27 of the Action Plan in relation to the announcement of 2013 "a year of Information Technologies" approved by Presidential Decree No-2815, dated 28 March 2013.

69. Pedestrian tunnels in Baku are constructed with equipment for persons with disabilities in order to reduce impediments to their mobility and to provide them with free secure transportation services; the surfaces of the platforms of the railway stations were levelled, and imported medium and large capacity buses were equipped with special places for persons with disabilities.

70. TX-4 taxi cars were also equipped with special ramps for wheelchairs to enter the saloon of the car.; In the future cars imported into Azerbaijan will be provided with the same equipment.

71. Appropriate measures to provide an enabling environment, were carried out in accordance with paragraph 57.2.7 of the Urban Planning and Construction Code of the Republic of Azerbaijan

Situations of risk and humanitarian emergencies (article 11)

12 Please explain whether evacuation plans and other emergency measures as described in paragraph 74 of the initial report are disability-inclusive?

72. According to its activity plan, the Ministry of Emergency Situations of the Republic of Azerbaijan evacuates people (disabled included) from the areas with emergency situations, provides humanitarian assistance and organizes events on protection of health.

Equal recognition before the law (article 12)

13. Please indicate whether the State party has adopted measures to move away from the substituted decision-making model and towards a supported decision-making model regarding the legal capacity of persons with disabilities? (para. 63)

Access to justice (article 13)

14. Can persons with disabilities factually and legally appear and act in courts in Azerbaijan? Is there training for judges, lawyers and court staff, and police on the rights of persons with disabilities in accessing justice, including the obligation to provide reasonable accommodation?

73. According to article 60 of the Constitution of the Republic of Azerbaijan, everyone may appeal to a law court regarding decisions and activity (or inactivity) of State bodies, political parties, trade unions, other public organizations and officials and according to article 65 of the Constitution every person convicted by the law court has the right to appeal, as specified by the law, to the higher law court asking for reconsideration of the verdict and also for pardon and for mitigation of the sentence.

74. According to article 4 of the Civil Procedural Code all physical persons and legal entities shall be entitled, in accordance with procedure specified by law, to exercise the right of appeal to court for protection of their rights and freedoms, as well as for protection of interests guaranteed by law. Any denial of the rights to appeal to the court is invalid. According to article 48 of this Code any physical person or legal entity shall be entitled to equal procedural rights and subject to equal procedural obligations as specified and permitted by law (civil procedural legal capacity). According to article 49 of this Code, these rights and obligations, as well as the right to assign conduct of a case to a representative through personal actions (civil procedural action capacity) shall be available to all physical persons over the age of majority and legal entities registered in accordance with the legislative requirements. According to article 72 of the Code, the rights and interest protected by law of persons with partial or restricted action capacity shall be represented in courts by their parents, adoptive parents, guardians, and custodians or other persons. Subject to limitations specified by law, legal representatives shall perform on behalf of represented persons all procedural actions, that the latter have the right to perform and submit to the court documents certifying their powers. Legal representatives shall have the right to assign the conduct of a case to another person of their choice. In accordance with article 105.2 of this Code, in cases where a witness is unable to appear before court due to health conditions, age, or disability, such witness shall be interrogated by the court at his/her place of residence. Up to 20 courts, as well as appeal courts, courts for serious crimes, administrative and economic courts were created in the past years in order to improve court structures.

75. In the new court buildings, supplied with modern technology and equipment, new ICTs were put into practice, and facilities for disabled people, who belong to the vulnerable group of the population, were created in order to simplify the citizen appeals, to provide awareness and transparent services. Lifting devices have been built for disabled people to enter the building, special coatings have been installed for visually disabled people so that they can move independently and special texts for the blind have been hung on the doors in the entrances of new court buildings.

76. In 2011, the joint web portal of the court system which simplifies opportunities of appeals within the scope of the project, (www.court.az) was created as well. The portal gives the opportunity to obtain information about trials, judges, court actions, court cases, decisions made, and also to apply and receive an answer online. The information base of the court cases, currently being created, and final court acts will also be placed on the portal.

77. The application of modern technologies will serve to ensure the right to a fair trial stipulated by the European Convention on Human Rights, along with simplifying the appeal options of people to the courts.

78. Taking into account all the above there are no limitations in the legislation impeding disabled persons from applying to the court.

Liberty and security of the person (article 14)

15. Please clarify on which grounds "invalids" may be deprived of their liberty under article 53.5 of the Criminal Code and please clarify the criteria that this provision establishes for distinguishing between the "first" and "second" groups (para. 83)

79. With Law No-137-IVQD on "Amendments to the Criminal Code of the Republic of Azerbaijan" dated 31 May 2011, the restriction of freedom as a kind of punishment, noted in article 53, was removed from the Criminal Code.

Freedom from torture (article 15)

16. Please inform the Committee about which kinds of medical experimentation are illegal and which are considered legal (para. 136)

80. According to article 37 of the Law on "Protection of Public Health", biomedical studies based on results of laboratory experiments are permitted, in governmental and non-governmental health institutions. A person may be a subject of a biomedical study only with his or her consent. The citizen should be informed about the aims, side effects, possible risk levels, duration and results of the examination, and may refuse to agree, at any phase of the study. The conduct of biomedical studies without the consent of the patient or the application of forbidden diagnostics, or of illegal treatments and medicine are actions liable under article 138 of the Criminal Code.

Freedom from exploitation, violence and abuse (article 16)

17. Please explain whether the "Complex Program for Fight against Daily Violence in a Democratic Society" 2007 has been expanded to embrace the situation of women and girls with disabilities in Azerbaijan (para. 102)

81. The "Comprehensive Program on Fighting against Violence on a Daily Basis in the Democratic Society" endorsed with the ordinance of the Cabinet of Ministers of Azerbaijan Republic #17s dated 25 January 2007 covers the conditions of disabled girls and women. Article 28 entitled "Satisfactory life standard and social protection" of the Program is about the noted subject.

Protecting the integrity of the person (article 17)

18. Please explain what steps are being taken to explicitly incorporate into the law protection of women and girls with disabilities against forced sterilization, forced abortion, forced contraception and all other forced medication and procedures which are not authorized by individual consent, and to recognize as illegal any treatment which is administered by the consent of a third party, including a guardian.

82. Every woman has a right to solve the issues about motherhood on her own.

83. Artificial termination of pregnancy can be performed until the end of 12-week duration of pregnancy, with the woman's consent.

84. Artificial termination of pregnancy on social instructions (family conditions) can be performed until the 22nd week of pregnancy.

85. Based on medical instructions (related to any illness the woman has) and with the woman's agreement, the abortion can take place not depending on the time of pregnancy.

86. Artificial termination of pregnancy is performed by specialized doctors in governmental or non-governmental health institutions.

87. The abortion should take place in ambulatory conditions until the 6th week of pregnancy, and only in stationary conditions after that time.

88. To perform abortion in a place other than health institutions with special facilities is forbidden.

89. According to article 31 of the Law on "Protection of Public Health", medical sterilization is applied to prevent a person from the ability of producing new generation or to protect a woman from pregnancy. Medical sterilization is only applied with the written consent of the concerned person and pursuant to medical instructions. Instructions about medical sterilization are determined by the Ministry of Health and are held in governmental or non-governmental health institutions.

90. Illegal artificial insemination and implantation of embryo, medical sterilization entail criminal liability. According to article 136.1 of the Criminal Code, applying artificial insemination or implantation of embryo to a woman without her permission, or to a woman who has not reached majority is punished with a penalty at a rate from five hundred to one thousand manats, or with amendment measures for up to two years, or with imprisonment for up to three years along with possible disqualification from the right of holding a certain position or from being involved in certain activities. According to article 136.2 of this Code, applying a medical sterilization on a person, i.e. performing an operation on them in order to prevent them from being able to produce a new generation or to protect the woman from pregnancy without their permission is subject to the same punishments as above.

91. There is no provision for forced sterilization, forced abortion, forced contraception, or any other application of forced medicine or procedures determined in relation to disabled women in the legislation.

Liberty of movement and nationality (article 18)

19. Please provide information on the measures to ensure birth registration of newborns with disabilities, including in rural areas. Are there specific provisions for data collection on children with disabilities? (para. 114)

92. According to the Decree of the Cabinet of Ministers of the Republic of Azerbaijan, No. 145, dated 31 October 2003, part 2 of the "Procedure for Registration of Acts of Civil Status", information on birth (as a rule: birth date of the child, gender, mother's surname, name, father's name, address, number of id card and date issued) is immediately submitted by the health institution to the Ministry of Health of the Republic of Azerbaijan, and from the Ministry of Health it is automatically transferred to the information system of the Ministry of Justice and from there automatically to the registration department of the area where the mother resides. According to the rules of article 2.24, birth certificates are given based on the birth acts. The date, series and number of the certificate are indicated in the birth acts. All newborn children are given birth certificates; information about any disability is not indicated in this certificate.

93. The information included in the electronic information base organized by the State Committee for Family, Women and Children Affairs for all newborn children, including children with disabilities according to the rules on "Organizing and Maintaining an Electronic Base" for children's, rights, adopted by Decree No.5, dated 15 January 2013 of the Cabinet of Ministers of the Republic of Azerbaijan. In accordance with the "Child

Rights" law every child is registered after birth according to the legislation of the Republic of the Azerbaijan.

94. In 2010 legislation decreased the period to inform about a child's birth from three months to one month in order to shorten registration procedures, and established the obligation to send this information through the health institution's electronic information system to the relevant system of the Ministry of Justice of the Republic of Azerbaijan. Also some amendments were made to the Family and Administrative Code covering matters relating to the failure to provide information about the birth within the prescribed period, as well as defining the responsibilities of the head of the health institutions in the case of submission of incorrect birth information, and of the registration authorities in the case of failing to submit or submitting incorrect information within the information system, as well as the responsibilities of parents of the newborn children in the cases where they do not register their children without valid reasons.

95. Generally, over recent years some important work has been carried out in order to improve the registration system. The Presidential Decree provided that the registration of marriage, birth and death also fell under the responsibility of the representatives of local executive powers in order to assist people who have difficulty in registering at the regional centres. Also opening "ASAN service" centres in many regions of Azerbaijan was one of the measures to assist in decreasing the work load.

96. In addition, the Automatic Information Registration System "Civil Status Acts" was set up and covers the entire country; modern information technologies were applied to birth registration procedures and a single database was created.

97. The State Committee for Family, Women and Children Affairs has carried out an analysis in 2010 on the situation of the registration of newborn children. The result of the analysis indicated that failure to register newborns with disabilities was due to the irresponsibility of their parents and hence it was clear that there was no need for extra measures for the registration of children with disabilities.

Living independently and being included in the community (article 19)

20. Please explain what you mean by "Medical-Social Expertise"? How is it constituted? What criteria are used to justify the fact that some persons are deemed unable to live an independent life? What happens to persons with disabilities whom the "Medical Social Expertise" deems incapable of living independently? Is there a possibility of appeal of their decision? What are the options available for people with disabilities deemed incapable of living independently alone? (para. 118)

98. In the relevant Legislation medical and social expertise" is identified as follows:

- Medical and social expertise evaluates how the continuous sickness impacts the life activity of a person and defines his/her needs for social protection measures.

- Medical and social expertise takes account of the disability and the criteria for children's disabilities based on a complex assessment of the person's clinical, functional, social, welfare, occupational, labour and psychological capabilities.

99. If the examined person does not agree with the decision of the Medical and Social Expert Commission he/she may appeal to the chairperson of the higher level body within one month. In these cases the chairman of the Commission is required to send the documents relating to the expertise to the higher level within three days. The decision at the higher level is based on documents received or further visual tests of the persons with disabilities.

100. If the complaint by the persons with disabilities, disabled children's parents or other legal representatives who have been involved in the tests is determined to be valid all transportation expenses will be paid by the persons found responsible.

101. Decisions at the higher level can be appealed to court and to the Ministry of Labour and Social Protection of the Population of the Republic of Azerbaijan. Initial higher level decisions can be appealed to a court.

102. The objective is that people with disabilities should live an independent life and be given opportunities for social integration. For this purpose, community-based services are carried out in order to transform from institutional care system to a community-based environment.

21. Please provide data on how many persons with disabilities live in institutional facilities. What is the size of these institutions? What is the level of income in comparison with others living outside these institutions?

103. As of the end of the November 2013, 468 persons with disabilities are living in the institutions functioning under the Ministry of Labour and Social Protection of Population of the Republic of Azerbaijan. Regardless of where they live, all persons with disabilities are provided with the same amount of benefits.

Personal mobility (article 20)

22. Please inform us with the measures done for the persons with disabilities to provide them with the appropriate supportive efforts or initiatives.

104. The following measures were taken to raise awareness of the institutions producing equipment, assistive devices and technologies so they can take into account all aspects of the needs of disabled persons.

105. Relevant road symbols were set up for persons with disabilities and their cars by the Law of the Republic of Azerbaijan "On Traffic". Thus, "Blind Pedestrians" (7.15) and persons with disabilities (7.17) in the 7th paragraph of the Law on Traffic and according to appendix 7 of the same Law, transportation symbols were defined for deaf and mute persons and for persons with other disabilities. According to paragraph-11 Law-37, drivers have to ensure all possible protection measures for persons with disabilities and in the case of signal from the blind pedestrian (signal can be rising white hand-stick) the drivers must stop immediately.

106. In addition to article 28.2, (with the exception of driving the car while drunk) the rights of the drivers with disabilities are not restricted under the Administrative Code of the Republic of Azerbaijan. The State provides free prosthetic and orthopaedic equipment for persons with disabilities, disabled children, for persons who suffered while under medical care or persons with disabilities who survived emergency situations according to the relevant rules applied by the Cabinet of Ministers on 8 July 2002 on providing World War II participants with prosthetic and orthopaedic equipment, for citizens who suffered while medical assistance or survival of persons with disabilities incurred in emergency situations, wheelchairs for disabled persons and with any other rehabilitation equipment.

Freedom of expression and opinion, and access to information (article 21)

23. Please provide information on the mechanisms put in place to guarantee freedom of expression to all persons with disabilities and clarify whether access to public information is facilitated in accessible formats

107. Individuals with disabilities are provided with free Internet by the Ministry of Labour and Social Protection of the Population. Various ICT seminars were organized in connection with the development of the information society in the regions and trainings were organized to eliminate computer illiteracy. The number of Internet providers and Internet clubs has increased in the regions.

108. Mini computers were developed within the project "Dilmanj" in order to ensure equal access to information technologies for the blind and visually impaired people. Minicomputers were provided with options such as voice control, so that the users can get news online, and voice read text mails, as well as receiving and answering voice phone calls. One hundred computers were presented to blind and visually impaired people in November of 2012 in Yevlakh city.

109. Measures on increasing the access opportunities to ICT for persons with disabilities and disabled children under 18 are set out in paragraph 27 of the Action Plan in relation to the announcement of 2013 "a year of Information Technologies" approved by Presidential Decree No-2815, dated 28 March 2013.

Respect for home and the family (article 23)

24. Please explain why persons with disabilities in groups 1 and 2 are not allowed to adopt children or act as guardians

110. According to article 120.1.5 of the Family Code, a person who cannot perform parental duties due to illness does not have the right to adopt a child. According to article 120.2 of this Code, the list of illnesses that disqualify a person from acting as guardian or adopting a child are defined by the Cabinet of Ministers of the Republic of Azerbaijan. Only persons who lost their labour ability and belong to the disability group 1 or 2 are not permitted to adopt a child or to be a guardian according to the mentioned 7th paragraph of the list.

Education (article 24)

25. What steps are being taken to recognize and incorporate into the law the obligation to provide inclusive education to children with disabilities and the need to implement this widely (covering the regions and rural areas)? (para. 158)

111. The Rules on "Organization of Educational Process in Integrative School Settings" were approved by the Decree of the Cabinet of Ministers of the Republic of Azerbaijan No. 87 dated 29 May 2002. As provided by the Rules, an integrative school setting is the general educational institution with special conditions which allow persons with disabilities to study together with healthy students. School administrations provide all necessary subsidiary help to persons with disabilities in their study process. Such school settings are organized so that students with disabilities do not exceed 20 per cent of the total number of students.

112. "The Development Program (covers 2005-2009) on Organization of Educational Process of Children in Need of Special Care (children with disabilities)" was prepared by

the Ministry of Education and adopted by the Decree of the Azerbaijan Government on 3 February 2005.

113. In the framework of the Program three pilot projects were launched on the organization of an inclusive education process. As a result of the pilot projects, 298 children with disabilities were involved in the inclusive study process at 17 schools of general education and 13 pre-school settings. Those school settings were given 89 subsidiary teaching staff.

114. The preparation of educational development and inclusive training programmes for children who need special care treatment was envisaged in subparagraph 1.2.4 of part 7 of "The State Strategy on Development of Education of the Azerbaijan Republic" approved by the Order of the President of the Republic of Azerbaijan dated 24 October 2013.

115. Pursuant to the obligations under the Convention on the Rights of Persons with Disabilities which Azerbaijan joined in October 2008 and in execution of paragraph 7.2 of the development concept, "Azerbaijan 2020, the vision to the Future, a draft version of the development programme" on the organization of inclusive education for persons with disabilities in the Republic of Azerbaijan in 2014-2020" was prepared and submitted for approval to the Cabinet of Ministers of the Republic of Azerbaijan.

116. The main aim of the Programme is to ensure involvement of persons with disabilities at all stages of the educational process and to establish an environment without any barriers to their obtaining an education.

117. The main responsibilities of the State Programme are following:

1. Making appropriate amendments to existing legislation to ensure the involvement of persons with disabilities in the education process at its all stages;

2. Carrying out appropriate actions so that educational settings and educational programmes meet the needs of disabled children;

3. Training and development of teaching staff engaged in the organization of the study process of disabled children;

4. Establishing a database to collect information on disabled persons who take part in inclusive (integrative) education process;

5. Organizing events together with related State bodies to provide information and enlightenment with a view to emphasizing the importance of the involvement of disabled persons in the education process and social integration;

6. Establishing appropriate services to facilitate the access of disabled persons to the educational process and their integration into social life.

118. According to the official information from the State Statistics Committee, there are 57961 disabled children on the territory of Azerbaijan. 9355 of those disabled children study at home, 2536 are involved in getting education at specialized schools for children, 2908 – at specialized boarding schools.

26. What steps has the Government taken to ensure the accessibility, training, and availability of materials in regular schools to make them inclusive of children with disabilities, and to encourage the teaching of sign language and deaf culture, including by reinforcing the level of professional training of sign language teachers

119. In 2010-2011 a new teaching programme was issued on Alphabet and Mathematics covering I and II classes and on its basis a new generation of textbooks for disabled children (deaf and mute children, children with acquired deafness and children with hearing deficiencies) was prepared. Boarding schools and rehabilitation centres for children with

disabilities which are under the authority of the Ministry of Education were provided with those textbooks and copy-books.

120. Upon the initiative of the Heydar Aliyev Fund the typography was set up at the Republic special boarding school No.5 for disabled children (blind and visually impaired) where textbooks and tutorials in Braille alphabet are published. Tutorials published at the typography fully cover the textbook needs of blind children. The Heydar Aliyev Fund also provided the Republican special boarding school No.3 for disabled children (deaf and mute) with Canadian "Unitron" hearing aids.

121. In addition, for the purpose of supporting the activities in the sphere of solving communication problems and developing the enunciation of children who need special care, the "Logaoedics album" methodical tutorial was published and delivered to boarding schools and rehabilitation centres for disabled children.

Health (article 25)

27. **Please elaborate on the measures put in place to provide HIV/AIDS and sexual and reproductive health education and information to children and adults with disabilities in accessible formats and sign language made available across the country (para. 198)**

122. The Republic Centre for the Fight Against HIV works on raising public awareness on the prevention of HIV infection among all groups of the population. Along with visual information, voluntary mass inspection measures and consultations are being held. During the preventive actions, along with the awareness work for patients suffering from some diseases indicating HIV infection, tuberculosis, traumatized central nervous system and malignant tumour, disabled persons with HIV get services in the Centre and at their homes. At the same time public awareness work by NGOs organize preventive (enlistment and inspection) activities among risk groups in the population, people with whom communication is difficult, street children, workers in the sex trade and people who may be responsible for spreading HIV. People close to infected persons (family members, children and so on, also fall within the sphere of interest of the Centre, and analogous activities have been organized for them too.

Work and employment (article 27)

28. **Please explain whether the State party plans to introduce disability as a prohibited ground of discrimination in article 6.2.1 of the Law on Employment (para. 216). What sorts of measures are being taken in terms of accessibility and the provision of reasonable accommodation in workplaces?**

123. Defining government policy regarding persons with disabilities and children with disabilities, taking measures against the causes of disability and disability of children, rehabilitation of persons with disability and children with disabilities, providing disabled persons with opportunities equal to other citizens to participate in all areas of social life and offering all necessary facilities for these persons to live a solid life according to their individual capacities and interests, are being regulated by Law No. 284 dated 25 August 1992, of the Republic of Azerbaijan on "Prevention of Disability and Disability of Children, Rehabilitation and Social Protection of Persons with Disabilities and Children with Disabilities. According to article 1 of the Law, "separation towards persons with disabilities and children with disabilities is forbidden and is being monitored by the law".

124. According to article 25 of the same Law, the corresponding executive agencies, institutions (associations) and establishments together with organizations specialized in

dealing with adults and persons under 18 with disabilities, support their employment by establishing specialized labour agencies.

125. Other than the list defined by the corresponding executive authorities, there is defined quota for every agency, organization and company regarding adults and persons under 18 with disabilities as required by the law.

126. Corresponding executive authorities and social institutions specialized in dealing with persons with disabilities control the situation of employment of adults and persons under 18 with disabilities.

127. Regardless of their structure and priorities, companies and organizations evading employment of adults and persons under 18 with disabilities, are required to transfer a penalty fee to the State budget equivalent to three times the average salary defined in the Republic for not hiring adults and persons under 18 with disabilities.

128. Adults and persons under 18 with disabilities are being sent to the work places defined by quota by the local agencies of the State employment system. Notifications for employment given to persons with disabilities must be accepted by all companies and organizations regardless of the number of workers and management style.

129. In setting quotas for companies and organizations for persons with disabilities by the local authorities, issues such as the number of workers and quotas, deduction of taxes and finance, amenability of companies and organizations on the fulfilment of tasks are being regulated by the legislation of the Republic of Azerbaijan.

130. In addition, activities with respect to the employment of persons with disabilities, enhancement of social protection of jobless and jobseekers are regulated by the Employment Law of the Republic of Azerbaijan.

131. Relevant changes and additions can be made to article 6.2.1., of the Employment Law of the Republic of Azerbaijan to take into consideration the opinion of international experts.

132. The draft Law on Employment of the Republic of Azerbaijan prepared by the Ministry of Labour and Social Protection of the Population of the Republic of Azerbaijan and presented to the Cabinet of Ministers, includes the following changes and additions:

- Addition of subparagraph 6.2.11. to paragraph 6.2., of the Law:

  "6.2.11. Providing professional and labour rehabilitation to persons with disabilities, by taking into consideration their professional and labour capacity".

- Addition of paragraph 9.5 to article 9 of the Law:

  "9.5. Employment of the persons with disabilities is regulated based on their professional and labour capacity".

133. Employment issues facing people in need of special care, adults and persons under 18 with disabilities are addressed in the Law on Employment of the Republic of Azerbaijan of 2 July 2011, No. 170-IIQ. Under article 9 of the Law, the Government provides additional security to the categories of citizens with special need of social protection and facing challenges in job-hunting, by establishing additional workplaces for labour of persons of disabilities, and implementing special programmes and other activities.

134. In accordance with the established procedure relevant authorities define the quota for companies and organizations for citizens in need of special care.

135. The quota amount is defined depending on the local labour market situation and on condition that it does not exceed 5 per cent of the total number of workers in a company.

136. Application of quotas for citizens with special need of social protection and facing challenges in job-hunting is regulated by resolution No. 213 of the Cabinet of Ministers of the Republic of Azerbaijan of 22 November 2005.

Adequate standard of living and social protection (article 28)

29. What measures are being taken to bring the amount of social benefit in line with minimum wages and minimum standard of living, including for children with disabilities??

137. There are more than 35 types of social benefits and eight types of grants in the Republic, as provided in the Law of the Republic of Azerbaijan on Social Benefits.

138. According the Law, two types of social benefits are applied – monthly and lump-sum benefits. Benefits for persons with disabilities including children belong to the category of monthly social benefits regulated by the Social Benefits Law of the Republic of Azerbaijan passed in 2006.

139. Benefits for children under 16 were accorded under the Social Benefits Law of the Republic of Azerbaijan passed in 2006, but as a result of the changes and additions to the Law the same benefits were extended to cover "benefit for the children with disabilities under 18". The amount of the benefit was increased from 25 manats to 67 manats during 2006-2013. It is worth mentioning that this indicator was 43% (58 manats) of the minimum living costs in 2006 and 58% (116 manats) of the minimum living costs in 2013. The amount of the benefit covered 64% of the minimum wage in 2013. Disability benefit is assigned when a person is unable to work, whose disability is defined and who has no right to a labour pension. For these reasons, the causes of disability are determined precisely in order to set the amount of the benefit. Categories, reasons and period of disability are defined by the Medical Social Expert Commission under MLSPP and the amounts are different depending on the above-mentioned reasons. The table below indicates reasons of disability and assigned benefit amounts.

Table 1
Dynamics of disability benefit amounts in different years

Reasons of disability	*Disability group*	*2006*	*2007*	*2008*	*2009*	*2010*	*2011*	*2012*	*2013*
		Amount (manat)							
Disability as a result of "general disease", "disease related to military service", "accidents at work and = occupational diseases", "due to being in the military operation area", "due to the eliminating results of the accident at Chernobyl Power Plant", "childhood disability"	I	25	35	50	50	55	60.5	60.5	67
	II	20	25	35	35	40	44	44	50
	III	15	20	30	30	35	38.5	38.5	43
Disability caused due to "the defense of territorial integrity, independence and constitution system of the Republic of Azerbaijan" and "events of January 20, 1990"	I	65	75	75	75	75	75	75	83
	II	55	60	60	60	60	60	60	66
	III	50	55	55	55	55	55	55	60
Disability "due to military	I	60	70	70	70	70	70	70	77

Reasons of disability	*Disability group*	*2006*	*2007*	*2008*	*2009*	*2010*	*2011*	*2012*	*2013*
		Amount (manat)							
service in Chernobyl Power Plant" or "due to military service implementation"	II	55	60	60	60	60	60	60	66
	III	40	45	45	45	45	45	45	50

140. As indicated in the table, a stable rise has been observed in the amount of benefit payments due to reasons such as "general disease", "disease related to military service", "accidents at work and occupational diseases", "due to being in the military operation area", "due to the eliminating results of the accident at Chernobyl Power Plant" and "childhood disability" during the last six years. If the amounts of above-mentioned benefits are correlated to the minimum living cost, it will be observed that benefit for the disability group I covered 43 percentage of the minimum living cost in 2006 and 58 percentage of the minimum living cost in 2013. For disability groups II and III the comparable figures are 34%, 43% and 26%, 37% respectively. The amount of benefits for persons with disabilities caused by other reasons were comparatively stable, but was increased by the Order of the President in 2013. The amount of benefits for the disability group I caused by "the defense of territorial integrity, independence and constitution system of the Republic of Azerbaijan" and "events of 20 January 1990" has become higher than the minimum living cost (58 manats), but this indicator equalled 72% (116 manats) of the minimum living cost in 2013.

30. What other social benefit schemes are planned for the parents of children with disabilities with regard to covering disability-related needs as well as providing assistance and training to strengthen support for families to care for disabled children in the home?

141. The legislation does not provide for any type of benefit for parents of children with disabilities. As mentioned above this benefit is given only to children with disabilities under 18. However, along with those benefits, Targeted Social Assistance (TSA) is being implemented in the Republic since 2006 and up to 1 October 2013, 134 711 families consisting of 592361 family members obtained this benefit. The amount of the TSA is 28.1 manats per person and 123.68 per family. 1.6% (9232 persons) of the beneficiary families include children under 18 with disabilities and 3.6 % (9232 persons) of them include persons over 18 with disabilities.

142. Competitions on 15 priority directives have been held for implementing regulations on giving public orders to municipalities, physical or legal entities, also to NGOs, and Order No. 2653 of 9 January 2013 of the President of the Republic of Azerbaijan on Additional Activities on services to children with disabilities and persons under mature age in socially dangerous situations. Six of the above-mentioned competitions concern services to children with disabilities:

143. Establishment of community rehabilitation centres in 3 regions (cities) for children with disabilities;

- Mobile rehabilitation services in 10 regions (cities) for children with disabilities;
- Preventing disability in children (ages 0-7) and social rehabilitation of children with disabilities by Portec method in 4 regions (cities);
- Social rehabilitation of children with disabilities (Down syndrome) in Baku city;
- Rehabilitation of children with disabilities by modern physiotherapy and psycho social methods in Baku;
- Establishing of a Centre to support the psycho-physical development of children with abilities.

- The project was started according to the results of the competition. In the framework of the project trainings are envisaged with the purpose to enhance families' knowledge and skills in the area of integration of children with disabilities into society, mobile social-psychological rehabilitation of children with disabilities, to coordinate and support families, to improve social skills of parents who have children with mental deficiencies and to reveal capabilities and potential of families in solving children' problems.

- The number of children with disabilities who took advantage of the Centres for Support of Children and Families of the State Committee for Family, Women and Children Affairs reached 424 in 2013. Specialists of the Centre (psychologists, specialists on development of children) develop social life skills of children, do psychological and social evaluation of families which have children with disabilities to ensure security for children to the full extent and provide appropriate support to strengthen such families. Specialists of the Centre carry out psychological consultations for families on a constant basis and hold training sessions on child development and approaches to disabilities. In those Centres children participate in various hobby groups depending on their interests in languages, art, computer skills, chess playing, needlework, drawing and knitting. With the help of those Centres, social problems of families of 87 children with disabilities and health problems of 38 children were addressed. During 2012-2013, 30 children were provided with wheelchairs, 46 children with orthopedic footwear, and 7 children - with hearing aids.

Participation in political and social life (article 29)

31. Does the State party plan to repeal or amend the provision which allows for the deprivation of voting rights when a court has declared a person legally incapable? (para. 248)?

Statistics and data collection (article 31)

32. Please describe how persons with disabilities were identified and included in censuses prior to 2013. In addition, please provide information on how the State party plans to conduct censuses in the future which fully respect the purpose and content of the Convention

144. According to article 4-1 of the Law of the Republic of Azerbaijan "On prevention of disablement, rehabilitation and social security of disabled persons and children" an individual with limited functions, who needs social assistance and protection due to congenital illness, or illness caused by physical injury or mental deficiencies, is recognized as a disabled person on the basis of a conclusion made by the Medico-Social Expert Commission upon implementation of an expert examination. Criteria for determination of the disability of persons is regulated by the Decree of the Cabinet of Ministers No. 99 dated 27 August 1997. According to Statute, a decision on disability is totally based on comprehensive assessment of clinical, psychological, social, and domestic and professional factors and person's capability for rehabilitation. The assessment process also takes into account the character of disease, level of functional disability, effectiveness of medical treatment and rehabilitation measures, condition of compensatory (substitution) mechanisms, clinical and labour predictions, social accommodation (adaptation) possibilities, necessity in various types of social aid, work conditions and nature of work itself, professional development, age etc. Upon examination by the Medico-Social Expert Commission individuals are subjected to comprehensive check-up regardless of the nature

of disease and dysfunction. To assess objectively the state of health and level of social accommodation of individuals, Medico-Social Expert Commissions use results of functional and laboratory examinations; ask the patient questions and analyse necessary documents. Examination of patients is based on medical ethics and principles of deontology including professional activity, personal characteristics and social accommodation capabilities.

145. Responsible departments of the Ministry of Labour and Social Protection of the Population accumulate information on health conditions, education, employment, social conditions of registered children and persons with disabilities. The unique database system, in the process of development will work actively in medical and social spheres at the country level with disabled persons and gather thorough information about them. Recently, information on about 250 thousand persons with disabilities has been collected in the database.

International cooperation (article 32)

33. Please provide information on international cooperation projects specifically designed to ensure participation of persons with disabilities in disability-inclusive development in Azerbaijan

146. The Work Plan on Child Protection System Reforms covering 2012-2013 and signed jointly by the Ministry of Education, the Ministry of Labour and Social Protection of the Population and UNICEF Azerbaijan is in the process of implementation. That document was issued to support social protection reforms in Azerbaijan and aimed to review existing standards and guidelines, and prepare new ones when required, concerning the application of the United Nations Convention on the Rights of Persons with Disabilities, development of local potential on social work, social protection and child care system, and also standards and instructions on providing for the needs of vulnerable families and children.

National implementation and monitoring (article 33)

34. Please provide information on the Working Group established under the Ministry of Labour and Social Protection of Population to, inter alia, "ensure the implementation of the provisions of the Convention" – what are some of the achievements of the working group? (para. 277)

147. The Working Group was established by decrees Nos. 2 and 3 of the board of the Ministry of Labour and Social Protection of Population on 11 May 2010, from members of the State and NGO representatives. It holds meetings not less than twice a year in order to coordinate the provisions of the implementation of the United Nations Convention on the Rights of the Persons with Disabilities and takes all necessary measures to coordinate and ensure the prompt execution of the activities indicated in the Convention. The Working Group is chaired by the deputy minister.